

REMARKS

This amendment is in response to the Office Action mailed August 9, 2006. Claims 1-8 were pending as of the mailing of the action. Claims 5-6 have been canceled by this amendment without disclaimer of any of the subject matter recited therein. Claim 1 has been amended in this response and is believed to address each of the grounds of rejection. Applicant asserts no new matter has been added by any of the amendments. Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following representations.

Claims 7 and 8 have been rejected under 35 USC 112, second paragraph as being indefinite. Claim 7 does not recite securing of the muzzle that is the subject of this rejection. It is presumed the Office Action intended this to apply to claim 6. This rejection is now moot because claim 6 has been cancelled and the material incorporated into amended claim 1.

Claim 8 has been amended to include the step of starting the motorcycle. Support for this amendment is found on page 6, line 18 of the specification. Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 USC § 112.

Claims 1, and 4-8 have been rejected under 35 USC 102(e) as being anticipated by Waelput (US Pat App Pub No.

2006/0032709). Applicant has amended claims 1 and 8 by this amendment. Claim 1 now recites the method using an oil muzzle comprising two orifices and a clamping dimple on one lateral surface, and securing to oil the filter housing by engaging a clamp at said clamping dimple with a locating tip of a clamp and a plate portion against a posterior region of said filter housing, and further wherein said clamp secures said oil muzzle into position without screw threads. Claim 8 now The Waelput reference is deficient because it does not teach or suggest any such method step. In order to anticipate, the reference must teach each and every limitation of the claim. Because of the deficiency, Waelput cannot be properly used as a reference under 35 USC 102(e). Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claims 2 and 3 have been rejected under 35 USC 103(a) as being obvious over the aforementioned Waelput reference. As discussed above, Waelput is already deficient in regards to claim 1. Claims 2 and 3 depend on claim 1. These claims, add the limitations of both a motorcycle engine, and a V-twin motorcycle engine respectively. The Office Action has asserted it to be an obvious adaptation to use the teaching of Waelput on these engines. However, the reference must render obvious the claim and all limitations of the independent claim. The subject invention, as now claimed, relates to a method whereby the oil muzzle described is clamped to a filter housing without screw threads. Waelput fails to teach, suggest, or provide a motivation to modify in order to render the subject invention obvious because, as stated above, Waelput does not address the use of the claimed oil muzzle.

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In view of the failure of Waelput to teach, suggest, or provide a motivation to modify, a rejection under 35 USC 103(a) cannot be properly applied. Applicant respectfully requests reconsideration and withdrawal of this rejection.

Based on the amendments presented herein, applicant respectfully asserts the application is now in condition for allowance. If the Examiner believes there are any issues that have not been resolved, the Examiner is invited to call the undersigned representative who is Attorney of record in this case.

The Commissioner is hereby authorized to charge our Deposit Account No. 19-0734 should any additional fee(s) be required in the filing of this paper to expedite the examination of this application.

Respectfully submitted,

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